

# UNITED STATES DISTRICT COURT

for the

District of South Carolina

\_\_\_\_\_  
Darren S. Simmons

*Petitioner*

v.

\_\_\_\_\_  
Willie L. Eagleton, Warden

*Respondent*

)  
)  
)  
)  
)

Civil Action No. 2:110-cv-2025-RMG-RSC

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the petitioner (*name*) \_\_\_\_\_ recover from the respondent (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the petitioner recover nothing, the action be dismissed on the merits, and the respondent (*name*) \_\_\_\_\_ recover costs from the petitioner (*name*) \_\_\_\_\_.

☒ other: The Report and Recommendation of Magistrate Judge Robert S. Carr is adopted and incorporated. This petition is dismissed without prejudice and without issuance and service of process as this court is without jurisdiction to consider it. The petitioner shall take nothing on his petition filed pursuant to Title 28 U.S.C. § 2254.

This action was (*check one*):

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Richard Mark Gergel, United States District Judge

Date: October 26, 2010

CLERK OF COURT Larry W. Propes

\_\_\_\_\_  
s/Heather Hillman

*Signature of Clerk or Deputy Clerk*